

REMARKS

Withdrawal of the finality of the Office Action status is respectfully requested. The current Office Action states that two rejections over Saito are being “maintained” but in actual fact no such rejections had previously been made. The reason is that the rejections in the Office Action of October 9, 2007 based on Saito (paragraphs 11, 14 and 15) did not include any rejection of what was then pending as claim 8. The response incorporated the recitation of claim 8 into claim 1 so that the resulting claim 1 corresponded to prior claim 8 in independent form. While there has always been a claim numbered “1”, that numbered claim before and after the last amendment are different. Since claim 1 after that amendment is really prior claim 8 in independent form and claim 8 had not been rejected over Saito, claim 1 after amendment has never been rejected over Saito. All other claims are/were directly or indirectly dependent on claim 1 and therefore, are now based on a claim which had not been rejected over Saito. Because the finality is based on the existence of a repetition of a prior rejection and there was no such repetition, it is respectfully submitted that such status is not correct. The finality is not properly based on the fact an amendment was made since that act effectively only presented claim 8 in independent form and claim 8 had been examined. In light of these circumstances, withdrawal of the final status is respectfully requested.

Duplicative claims 21 and 22 have been canceled. Nevertheless, applicants appreciate the fact that the Examiner did not require the prior amendment to be resubmitted because of the mistaken status identifier.

Claim 1 has been restructured for increased clarity in the foregoing amendment without any change in scope. Previously, the claim recited that the paste comprising a

combination of a metal powder, a glass frit, and an organic vehicle, followed by a subparagraph modifying the metal paste and a subparagraph modifying the glass frit. As restructured, the three components have been set forth in separate subparagraphs and all aspects relating to a particular component are contained in the same subparagraph. Accordingly, no new considerations or search is required.

The claims under consideration (both prior to and after the above amendment) are directed to an electrically conductive paste which can be used for forming wiring conductors and can be co-fired with the green multilayer ceramic substrate composed of a plurality of unfired laminated ceramic layers with the paste disposed in the ceramic layers, and the resulting substrate. The electrically conductive paste contains three components, namely (1) a metal powder which has an oxide of Al, Si, Zr, Ni, Ti, Nb, Mn and/or Mg which is not sintered at a sintering temperature of the green ceramic layers on its surfaces, (2) a glass frit which has a softening point 150°C to 300°C lower than the sintering temperature, and (3) an organic vehicle.

The rejection of all pending claims under 35 USC § 102 over Kashima is respectfully traversed. Kashima does not disclose or suggest the claimed paste or substrate.

As the Examiner has pointed out in paragraph 8 of the current Office Action, Kashima discloses a combination of metal powder and an aluminoborosilicate glass, and the glass is made by fusing and powdering various oxides. However, once the oxides are fused and powdered, a glass frit is realized, and the oxides as such are no longer present. Contrary to the assertion in this paragraph, the reference does not say the oxides are fused and powdered "with" a metal powder to a 1 μm particle size but instead it states that the oxides are fused and powdered to form a powdered glass having a 1 μm particle size.

There is no teaching or suggestion in Kashima of a metal powder have any oxide (without regard to the cation or sinterability) disposed on its surface nor any reason to put an oxide on that surface.

The rejections based on Saito should be withdrawn for the same reason. The passage at column 4, lines 1-8, noted in paragraph 9 of the current Office Action, relate solely to the glass powder used to make a glass sheet and possibly to make the conductor composition for an electrode referred to later in that column. However, the oxides listed are the raw materials used to make the glass and as noted above, they no longer exist as such after the glass has been formed. There are 2 pastes actually disclosed in Saito. One is a combination of alumina, glass and vehicle (for making the glass sheet) and the other is a combination of conductive metal powder, glass and vehicle (for making the electrodes). See column 4 at lines 9-11 and 31-34. In neither of these pastes does the powder have an oxide on its surface.

Paragraph 9 of the Office Action also refers to Figure 3 of Saito. This is an enlarged view of the surface of a multilayered substrate after firing and shows particles 8 on the surface of ceramic substrate 6 and surface electrode 4. Particles 8 are the residue of a constraint green sheet which had been on the surface of the laminate and can include alumina, zirconate and magnesia. However, these particles are not a part of a wiring conductor nor are there any indication they are associated with a glass. Even assuming the constraint layer was made using a paste like the other pastes actually disclosed, the conductive particles would have never had oxide on their surfaces.

Neither Kashima nor Saito references disclose a paste containing a conductive particles which have oxide on their surfaces. Accordingly, the anticipation

rejection is untenable. Neither reference suggests any reason why one would want to have oxide on the surfaces of the conductive particles, thereby making an obviousness rejection untenable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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